App. F. IX-4

Previous References

File No. 72-34

Serial Nos. 1-2

Later References.
Law 100 - 36 (1-11)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2.

Part B for Nov 34

SUBJECT.

Re- the Resumption of land on which shops have been built in the premises of Sri Vittal Narayana-Swamy Temple, Mulbagal.

27 To

The Dist: Collr

WD 01965—GPB—15,000—7-7-34

RO P 2527 dy 27-11-34

Fr. a Copy of the Govt. Order in the matter for necessary further action.

Abdul Aziz
30-XI-34

Serial No.

From

The Muzrai commissioner in Mysore

Letter No. Apl 29/32-33 dated 23/2/34

Forwards the records relating to the appeal of one Mahomed Dewan Saheb of Mulbagal town against order of eviction proceedings instituted by the Muzrai officers in respect of the shops situated in the premises of the temple of Sri Vittal Narayanaswamy, Mulbagal town.

1) The origin of the leasing the shop-ground to Muniappa is stated to be an obscure matter. Mahomed Dewan Saheb purchased the shops from Muniappa in 1912. He admits that he has been paying ground rent to the temple. He has sold away in 1921 one of the shops to one Abdul Sattar for a sum of Rs. 100/-. The occupants are now paying rent to the temple.

par 2 of the P.W.D

7c. 7.

E

2) The Muzrai commissioner solicits legal opinion as to whether the land could be summarily returned under Sec. 10 of the Religious & Charitable Endowments Act or a civil suit should be instituted for the recovery of the property.

Subs 26/2/34

3) The very fact that the appellant has been paying ground rent to the temple shows that the khatade belongs to the temple. What was sold was the

26/2/34

materials of the superstructure of the shop to put up which costs some money to Munuswamy & also the privilege of removing a shop near the temple.

4) The temple authorities allowed the privilege in consideration of the ground rent paid by the shop keeper so long as the removing of a shop was not inconvenient to them. Now they do not want the ground rent nor do they want to continue the privilege as the piece of land wanted ~~by the appellant~~ for the improvement of the temple.

5) As the transaction between Munuswamy & the appellant was purely private having no connection whatever with the temple properties, appellant has no case to contend the right of the temple to evict him.

The appellant, ~~if he wants~~ may take away the superstructure & leave the land.

The case may well be brought under Section 19 of the Charitable & Religious Endowments Regln & the land may be assumed by the Musrar Depts.

Submitted for orders.

7/12/21

To,

The Hon. Comm^r

no. R. 4112 d. 2.3.34 enquiring whether sections 9 and 10 of Reg VII of '27 are applicable to the case

From

The Hon. Comm^r

no. Apl 1/5/1934 dated 3rd Oct 1934 forwarding copies of leases from the Director of Land Records and Dep^t. Comm^r Kolar and stating that it appears therefrom that the land in question is not an inam land. There is practically no evidence to prove that the land in question belongs to the Hon. inst^n. It is stated that it is not an inam endowed to the temple. The land is said to belong to the temple on the ground that the party is paying ground rent to the temple every year. The party Cannot be prevented the land from the Municipality v. R 1905. about 30 yrs back. It is also noted that to proceed even under sec^n 19 of Hon. Reg^n, because the Hon. Comm^r himself points out in para 2 of his letter d. 23:2:34 that the origin of the lease of the shop ground is obscure. Under these circumstances seems best if the shops are acquired for the needs of the temple, without indulging in costly litigation. Sub^d for orders

Submitted for orders with reference to the Surplus

G.O. No. 966 of 34 dated 7.10.1934.

11) Forwarded with Compliments to the Govt. Advocate for favour of advice

Serial No.

B.O.
Approved
In Genl Sec. 10/10/34

Returned with compliments.

That the portions over which the shops now stand belong to the temple is clear, and the payment of rent to the temple for many years strongly supports that position. According to the letter of the Muzrai Commissioner, the land in question is not an - Inam land. Further, the present occupants and their predecessors in interest seem to have been in possession of the shops for over thirty years. Under these circumstances I do not think that the lands could be resumed summarily under the provisions of the Regulation. The proper procedure is to file a suit for - possession in a Civil Court.

Government Advocate.

Rec. Boys Sg/Ba Sg
7 20.11.1934

To,

The Muz. Comm.r

No. P. 2577 dt. 27.11.34 forwarding a copy of

the Govt. ADC's opinion for necessary further

action.

Subject:- Proceedings against Mahomed Dewan Saheb for resumption of lands on which certain shops are built in the premises of Sri Vittal Narayanaswami temple at Kumbagal-

Refee:- Govt Secys letter No P.4112 -D. 2. 3.

Dear Sir

Please send the vernacular records relating to the above subject as the same is required for reference in connection with the further information called for by Govt

Yours sincerely
A Ramaswamy Aiyer
18/3.36.

To.

The Superintendent

D.O returning papers for signature.

1/ISD 14/3.

Issue
MSK
14.3.36

No. Agl 29 Eve Records 32-33 Office of the Muzrai Commissioner in Mysore, Bangalore dated 22nd February 1934. 23

Law 72.34-1

From

N. Madhava Rau, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

H. V. Ramaswamy, Esq., M.A., B.L.,
Secretary to the Government of Mysore,
General Department.

Sir,

Subject:- Appeal - Mahomed Dewan Saheb - claim to the possession of certain shops situated in the premises of Sri Vittal Narayanaswami temple, Mulbagal Town.

In forwarding herewith the vernacular records received with the Kola Deputy Commissioner's letter No.A2-C.2317/32-33 dated 10-1-34 (copy enclosed) on the above subject, I have the honor to state as follows:-

The temple in question is a Muzrai institution. To the east of the temple building (as per sketch enclosed in the records) within the premis of the temple two shops are put up which are in the occupation of the appellant and another, who pay a ground rent of Re.1-8-0 to the temple. In 1931 it was sought to acquire these shops for improving the surroundings of the temple. The Deputy Commissioner on 20-11-1931 directed that it wa not necessary to acquire the lands as the shop-keepers were tenants at will who could be asked to quit and that further action might be taken for their eviction. The Sub Division Officer issued a notice to the appellant to show cause why he should not be evicted from the shops under Section 10 of the Religious and Charitable Institutions Regulation of 192 The appellant has given a statement to the effect that he bought the two shops from one Muniappa for a sum of Rs 200/- under a registered sale deed dated 10-1-1912, that he is in occupation of the premises for the last 30 years paying kandayam to the Municipality and ground rent the temple and that on 15-1-1921 he sold one of the shops to one Abdul Sattar Sabi for a sum of Rs 100/- (vide copy of sale deed enclosed). He prays that he may not be evicted from the shops or in the alternative suitable compensation may be given to him.

which is contrary to the provisions contained in Clause (2) of Section 9 of the Religious and Charitable Regulation of 1927. I request that the Law Section may be consulted and instructions issued as to whether the land could be ~~similarly~~ summarily resumed under Section 10 of the Regulation or a civil suit should be filed for the purpose.

I have the honor to be,

Sir,

Your most obedient servant,

N. Mahadeva Rao

Muzrai Commissioner.

Letter No.A2.C.2317/32-33 dated 10-1-34 from the Deputy Commissioner, ar District, to the Muzrai Commissioner in Mysore.

Appeal of Mahomed Dewan Sab - Mulbagal Town - cle'm to the possession of certain shops situated in the premises of the Sri Vittal Narayanaswami temple, Mulbagal.

With reference to your letter No.Appl.29/32-33 de ed 3rd January 1934 re. above, I have the honor to state that it is seen f om the statement of the ellant dated 14th March 1932 before the Sub Divisic Offiver, Kolar (flag J) t he is occupying the shops paying rent to the temp e and as such he is only enant at will and that he is therefore estopped frc claiming adverse pos-ion of the shops as his own. I am of opinion that he appellant is liable be evicted from the shop buildings which are situa ed in the premises of ple.

The connected file together with this office fi No.L.Dis.on Muz.Appl 33 dated 3rd January 1933 is herein enclosed.

"COPY"

For Muzrai Commissio

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 4112 Bangalore, Dated 2nd March 1934.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Regarding the proceedings against Mahomed Dewan Saheb to resume the lands on which shops have been built in the premises of Sri Vittal Narayanaswami Temple, Mulbagal Town.

With reference to your letter Apl.29/32-33 dated rd February 1934 on the above subject, I am directed to ate that Sections 9 and 10 of Regulation VII of 1927 apply ly if the lands on which the shops are built are part of inam granted by Government for the up-keep of the temple d to enquire if this is so.

I have the honor to be,
Sir,
Your most obedient servant,

Section

File No.

Serial No.

No. P 4112/—

To

The Mur Comm

Sir

Re the proceedings against Mahomed Dewan Saheb to resume the lands on which shops have been built in the premises of Sri Vittal Narayanaswami temple Mulbagal Town

With reference to your letter Apl 29/32-33 Dated 23/2/34 on the above subject I am directed to state that Sections 9 & 10 of Regn VII of 1927 apply only if the lands on which the shops are built are part of an inam granted by Govt for the up-keep of the temple and to enquire if this is so

M C 13.] No. Apl 29/32-33 Due record

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Dated, Bangalore, 1st October *1934*

3

Law 72-34-1

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

GAL SECRETARIAT
3 OCT

To

S. Abdul Wajid, Esq., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

SIR,

Appeal - Proceedings against Mahomed Bewan Saheb to resume the lands on which shops have beem built in the premises of Sri Vittal Narayana Swamy temple, Mulbagal Town.

With reference to correspondence ending with your letter No. P.4112 dated 2-3-1934 enquiring whether the land referred to above is an inam granted by Government for the up-keep of the temple, I have the honor to forward herewith copies of letters No.187/33-34 dated 21-3-1934 and No.A2-C.2317/32-33 dated 20-9-1934 from the Director of Land Records and Deputy Commissioner, Kolar District, respectively, and to state that it appears therefrom that the land in question is not an inam land.

The connected records accompany.

I have the honor to be,

Sir,

Your most obedient servant.

Muzrai Commissioner.

Letter No.187/33-34 dated 21-3-34 from the Superintendent, Revenue Survey and Settlement in Mysore, to the Muzrai Commissioner in Mysore

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With reference to your letter No.Apl.29/32-33 dated 12/15th March 19 requesting to know whether the lands on which the shops are built within the premises of Sri Vittal Narayanaswami temple in Mulbagal Town, are part of an inam granted for the up-keep of the temple etc., I have the honor to state that no references are available in this office on the points stated in your letter.

The two files received with your letter are returned herewith.

"Copy"

For Muzrai Commissioner.

with rele-

he above, I have the honor

ending with the Mulbagal Taluk Amildar's

September 1934. It is reported that the land in question

land.

-Copy-

Letter No.A2-C.2317/32-33 dated 20-9-34 from the Deputy Commissioner Kolar District, to the Muzrai Commissioner in Mysore.

Subject:- Proceedings against Mahomed Dewan Saheb to resume the lands on which shops have been built in the premises of Sri Vital Narayana swami temple - Mulbagal Town.

With reference to your letter No.Apl.29/32-33 dated 2nd July 1934 re the above, I have the honor to forward herewith the file of correspondence ending with the Mulbagal Taluk Amildar's report No.Muz.62/31-32 dated 13th September 1934. It is reported that the land in question is not an inam land.

"Copy"

For Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2527 — Dated, Bangalore, 26th Nov. 1934.

27

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,

BANGALORE.

Sir,

With reference to the correspondence ending with your letter No.Apl.29/32-33 dated 3rd October 1934 re: the resumption of land on which shops have been built in the premises of Sri Vittal Narayanaswamy temple, Mulbagal, I am directed to forward herewith a copy of the Government Advocate's opinion in the matter and to state that necessary further action may be taken accordingly.

The entire file of papers sent is herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

ISD

Section Law

File No. 72xx

Serial No. 2

Diary No. of letter replied to .....

No. P & S-27/Encl ek

To

The Me

General and Revenue Secretariat

( )

the *193*

Sir

With reference to

Date of issue 2nd/11/36

the Correspondence ending with

Your letter no. Apl 29/xxx d. 3.

Signed by M. N. A. R.

re: the resumption of land

on which Shops have been built

in the premises of Sri Vittal

Rayapura Swamy Temple, Mulbagal

I am directed to forward

herewith a Copy of the Govt. Ad

List of enclosures (for reference)

opinion in the matter, and t

state that necessary further act

Copied by

may be taken accordingly

Examined by...

The entire bed of the

Government Advocate's opinion in Law File No.72 of 1934.

That the portions over which the shops now stand belong to the temple is clear and the payment of rent to the temple for many years strongly supports that position. According to the letter of the Muzrai Commissioner, the land in question is not an Inam land. Further, the present occupants and their predecessors in interest seem to have been in possession of the shops for over thirty years. Under these circumstances I do not think that the lands could be resumed summarily under the provisions of the Regulation. The proper procedure is to file a suit for possession in a Civil Court.